IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 1545 of 2003

The State of Maharashtra .. Appellant
V/s.
Badrinarayan Nandkishore Ladda .. Respondent

Mr. A.M. Shringarpure, APP. for the Appellant.
Mr. Vikas Shivarkar h/f Mr. S.M. Sabrad for the Respondent.

CORAM : V.M. KANADE, J.
DATED : 09.09.2004.

P.C.:-

1. Heard the learned Assistant Public Prosecutor appearing on behalf of the State and the learned counsel appearing on behalf of the Respondent accused. The accused was charged under section 39(2) of the Standards of Weights and Measures (Enforcement) Act, 1985. The accused was charged for having given less quantity of rice under the free mid-day meal scheme. The case of the prosecution was that the accused was supplier of rice packets and when these packets were seized it was found that the quantity in the rice packets was less. The Head Master of the School, therefore, informed the complainant that the rice packets were supplied by the accused. The Trial Court has observed that the prosecution did not produce on record the delivery challan or supply order, in favour of the accused. Similarly, the rice packets which were seized also were not produced in the Court. The defence of the accused was that the rice was packed on a automatic machine, which was verified and certified by the Inspector, Legal Metrology, Pune and he produced

the said certificate on the record. He submitted that,

if there was a deficit in the quantity, it could be as a result of the rice packets, which was supplied by Meena Transport Company. The Trial Court in view of the various discrepancies acquitted the accused, however, the Trial Court directed that muddemal property be sold and the amount of sale proceeds be credited to the State. I do not see any reason to interfere with the said order. Leave refused. Appeal dismissed.

(V.M. KANADE, J.)